

PRE-INQUIRY STATEMENT OF CASE

SECTION 78 APPEAL BY PERSIMMON HOMES THAMES VALLEY

LAND NORTH WEST OF GORING STATION, GORING BY SEA, NR WORTHING

PROPOSAL:

MIXED USE DEVELOPMENT COMPRISING UP TO 475 DWELLINGS ALONG WITH ASSOCIATED ACCESS, INTERNAL ROADS AND FOOTPATHS, CAR PARKING, PUBLIC OPEN SPACE, LANDSCAPING, LOCAL CENTRE (USES INCLUDING A1, A2, A3, A4, A5, D1, D2, AS PROPOSED TO BE AMENDED TO USE CLASSES E, F AND SUI GENERIS) WITH ASSOCIATED CAR PARKING, CAR PARKING FOR THE ADJACENT RAILWAY STATION, UNDERGROUNDING OF OVERHEAD HV CABLES AND OTHER SUPPORTING INFRASTRUCTURE AND UTILITIES.



Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough

 DESIGN  ENVIRONMENT  PLANNING  ECONOMICS  HERITAGE

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales
Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

Copyright Pegasus Planning Group Limited 2011. The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Planning Group Limited

CONTENTS:

Page No:

1. INTRODUCTION.....	1
2. THE APPEAL SITE LOCATION AND DESCRIPTION	3
3. THE APPEAL PROPOSAL.....	5
4. PLANNING HISTORY.....	8
5. PLANNING POLICY	9
6. APPEAL PROCEDURE AND PRESENTATION OF EVIDENCE.....	10
7. PROOFS OF EVIDENCE	12
8. CASE FOR THE APPELLANT	13
9. DOCUMENTATION.....	24
10. PLANNING CONDITIONS AND OBLIGATIONS	25

1. INTRODUCTION

1.1 This Statement of Case has been prepared on behalf of Persimmon Homes Thames Valley (the Appellant) and relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990 in respect of Land North West of Goring Station, Goring-by-Sea, near Worthing (the Appeal Site).

1.2 The appeal was lodged following the decision of Worthing Borough Council (the Local Planning Authority) to refuse an outline planning application for:-

"Mixed use development comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre (uses including A1, A2, A3, A4, A5, D1, D2, as proposed to be amended to use classes E, F and Sui Generis) with associated car parking, car parking for the adjacent railway station, undergrounding over overhead HV cables and other supporting infrastructure and utilities (outline with all matters reserved)."

1.3 The application was submitted on 10th August 2020 and was allocated the reference number AWDM/1264/20.

1.4 Following a period of negotiation, it was reported to the Council's Planning Committee on 10th March 2021 with an Officer recommendation for refusal.

1.5 Having considered the advice from Officers, the Committee resolved to refuse the application. The decision notice which is dated 11th March 2021 identifies 6no. reasons for refusal and these read as follows:

1) The proposed development is outside the built-up area as defined in the Worthing Core Strategy and the emerging Submission Draft Worthing Local Plan and is not allocated for residential development. The proposal is therefore contrary to policy 13 of the Worthing Core Strategy and emerging policies SS4, SS5 and SS6 of the Submission Draft Worthing Local Plan, resulting in the coalescence of settlements and the loss of an important area of green space that contributes to local amenity, sense of place and wildlife. Furthermore, it is considered that the adverse impacts of the development would demonstrably outweigh the benefits as substantial adverse landscape and visual effects would arise from the development affecting the local area and the wider landscape, including the landscape setting to the National Park (therefore adversely affecting its statutory purpose to conserve and enhance its natural beauty and cultural heritage), Highdown Hill scheduled Monument and the Conservation Area.

2) The application is considered to be premature as the development proposed is so substantial, and its cumulative effect would be so significant, that to grant permission would undermine the plan-making process in particular its overall spatial strategy about the location of new development, its landscape evidence and proposed green space designations that are central to the emerging Submission Draft Worthing Local Plan. The proposal therefore fails to comply with paragraph 49 of the National Planning Policy Framework.

3) The Local Planning Authority is not satisfied that adequate information has been submitted to demonstrate that the proposal is acceptable in terms of access and would not therefore give rise to increased hazards to highway users including the Strategic Road Network. The proposal therefore fails to comply with the relevant guidance of the National Planning Policy Framework which requires that the potential impacts of development on transport networks can be addressed in development proposals.

4) The Local Planning Authority does not consider that adequate information has been submitted to demonstrate that the mitigation proposed is acceptable in terms of its impact on the local highway network including (but not limited to) the Goring Crossroads and A259/ Goring Way/ Aldsworth Avenue junctions and Strategic Road Network. As such it has not been demonstrated that the development would not have a severe impact on the local highway network and therefore the proposal fails to comply with paragraph 109 of the National Planning Policy Framework 2019.

5) It has not been demonstrated to the satisfaction of the Local Planning Authority that the development provides suitable mitigation for the impact of the development upon ground nesting birds.

6) It has not been demonstrated to the satisfaction of the Local Planning Authority that the infrastructure requirements of the development can be adequately met in respect of the provision of affordable housing, public and open space, highways

- 1.6 This Statement of Case seeks to address the main issues that are in dispute between the principal parties.
- 1.7 The Appellant will seek to engage with the LPA and other interested parties to narrow down the issues that remain in dispute through Statements of Common Ground (SoCG).

2. THE APPEAL SITE LOCATION AND DESCRIPTION

- 2.1 The Appeal Site is located at Goring-by-Sea, adjacent to the railway station, approximately 4.5km to the west of Worthing Town Centre.
- 2.2 The site itself is irregular in shape and extends to 19.96ha. It is relatively flat and comprises a single gently sloping field which is currently in agricultural use. There are no buildings or structures within the site apart from the overhead power lines which are proposed to be undergrounded.
- 2.3 The site is well related to the existing pattern of built development and is closely surrounded by built development on three sides whilst the remaining boundary of the wider land parcel is delineated by the A259 Littlehampton Road.
- 2.4 The southern boundary runs parallel with the London to Brighton railway line. Beyond the western part of the southern boundary and the railway line is an established residential area at Singleton Crescent which is characterised by 1950/60's development. Beyond the eastern part of the southern boundary is a recent development of 3-4 storey apartments (Bluebell Way) and Chatsmore Catholic High School.
- 2.5 The existing housing which lines Ferring Lane backs on to the northern part of the western boundary. The southern part of the western boundary is separated from other housing at Ferring by a single field that is currently in agricultural use. That land falls outside the administrative area of Worthing and forms part of the neighbouring district of Arun.
- 2.6 The eastern boundary is defined by hedgerows, beyond which is the built-up area of Goring. The railway station is located close to the south eastern corner of the site on the other side of Goring Street.
- 2.7 The northern boundary of the site is defined by the watercourse known as the Ferring Rife. An agricultural field to the north of the Rife separates the site from the A259 Littlehampton Road and the open countryside beyond.
- 2.8 The site is currently served by a single field access off the A259 in the north eastern corner of the site. There are two public rights of way in the southern and south western parts of the site. PROW 2121 is aligned parallel to the railway line at the southern boundary.

- 2.9 The site is not directly affected by any national, regional or local landscape or ecological designations. The South Downs National Park lies to the north with its southern boundary running contiguous with the A259 Littlehampton Road.
- 2.10 The site does not form part of any local or strategic gap in the adopted Development Plan although the LPA is proposing to designate the site as a Local Green Gap and Local Green Space within their emerging Local Plan.
- 2.11 There are no heritage designations within the site, and it is not located within a Conservation Area. There are designated heritage assets nearby and these are considered in further detail in the Heritage Assessment.
- 2.12 The Environment Agency's flood zone mapping shows that the majority of the site lies within Flood Zone 1 (lowest probability of flooding), although small areas alongside the Ferring Rife are within Flood Zones 2 and 3.

3. THE APPEAL PROPOSAL

3.1 The planning application that is now the subject of this appeal was submitted to Worthing Borough Council on 10th August 2020 and it was validated on the same day. The description of the development as set out on the application form reads as follows:-

"Mixed use development comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre (uses including A1, A2, A3, A4, A5, D1, D2, as proposed to be amended to use classes E, F and Sui Generis) with associated car parking, car parking for the adjacent railway station, undergrounding over overhead HV cables and other supporting infrastructure and utilities."

3.2 The application was submitted in outline with all matters of detail reserved for subsequent consideration at the reserved matters stage.

Density

3.3 The proposals involve a development of up to 475 dwellings on a site that extends to 19.96ha. The net density of the development would be circa 46 dwellings per hectare.

Layout, Landscaping and Open Space

3.4 Whilst layout is a reserved matter, an Illustrative Masterplan has been submitted to demonstrate how this scale and form of development can be accommodated within the site and assimilated into the existing built up area.

3.5 The proposed development would not extend as far north as Ferring Rife. Instead the development parcels would be set back from the watercourse to provide new areas of publicly accessible parkland and an area of biodiversity protection and enhancement which extends over 5ha, in addition to other green infrastructure.

3.6 The Masterplan is landscape-led and as explained in more detail within the submitted Design and Access Statement, it is anticipated that the development parcels will be designed to maintain green corridors through the site on a north-south axis.

3.7 Play areas are strategically located throughout the development to be accessible to the new resident population and those from neighbouring residential areas.

- 3.8 The local centre would be located at the south eastern corner of the site, close to the railway station. This reinforces the railway station as a local focal point and provides an opportunity to deliver a new car park to serve the railway station and address the existing parking problems in the area.

Access

- 3.9 It is anticipated that the site would be served by a new 3-arm roundabout junction off the A259 Goring Street at the eastern boundary. There would also be provision for a secondary access and a dedicated access into the local centre/extended railway parking area. Further details are provided as part of the Transport Assessment.
- 3.10 Pedestrian and cycle linkages are also designed into the Illustrative Masterplan to improve connectivity in the area and ensure there is appropriate permeability through the new development.

Housing Mix

- 3.11 The precise housing mix will be agreed at a later stage if planning permission is granted. It is anticipated that the proposals would include a range of house types, including detached, semi-detached, and terraced houses as well as apartments. A range of 1, 2, 3 and 4 bedroom family homes will be provided.
- 3.12 The proposals would make provision for a range of tenures and this will include a significant proportion of affordable housing (30%), in accordance with the Council's adopted Core Strategy.

Building Heights

- 3.13 Whilst "scale" is a reserved matter, it is assumed that building heights would be predominantly 2 and 2½ storeys with 3 and 4 storey elements at selected locations to add variety to the roofscape and to enhance legibility within the layout. Further detail on the distribution of building heights is provided in the Design and Access Statement.

Drainage

- 3.14 As explained in the Flood Risk Assessment and Drainage Strategy, the proposals will incorporate on-site SUDs features which will attenuate the surface water as

well as acting as an opportunity for biodiversity enhancements and contributing towards the visual amenity of the site.

4. PLANNING HISTORY

4.1 There are no known previous planning applications that relate to the appeal site.

5. PLANNING POLICY

5.1 The planning policies and guidance that are of most relevance to this appeal are summarised below and will be expanded upon in the SoCG. It is anticipated that the main planning policy issues will be agreed with the LPA prior to the opening of the Public Inquiry.

National Guidance

5.2 The Appellant will refer to national guidance set out in the revised National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

The Development Plan

5.3 The Appellant will explain that the Development Plan for the area currently comprises the following:-

- Worthing Core Strategy (2011)
- Saved policies of the Worthing Local Plan (2003)

Emerging Development Plan Documents

5.4 The Appellant will also refer to the following emerging Development Plan:-

- Emerging Worthing Local Plan

Neighbourhood Planning

5.5 There is currently no "made" Neighbourhood Plan which covers the appeal site. This is unlikely to change before the appeal is heard.

Supplementary Planning Guidance

5.6 Where relevant, reference will be made to supplementary planning guidance, documents and advice.

6. APPEAL PROCEDURE AND PRESENTATION OF EVIDENCE

- 6.1 The Appellant considers that a **Public Inquiry** would be the most appropriate appeal procedure in this case.
- 6.2 It is hoped that the issues in dispute can be narrowed down in Statements of Common Ground (SoCG). However, given the scale and nature of the development proposals and the reasons for refusal it is anticipated that a significant number of complex issues will remain unresolved.
- 6.3 These are expected to include the housing land need and supply, technical traffic and transportation matters, landscape, heritage and related planning policy issues. All of these topics will require the submission of detailed evidence.
- 6.4 This is an appeal that will need to consider whether Paragraph 11(d) of the NPPF is engaged or whether there are any policies in the framework that provide a clear reason for refusal, and which would dis-apply the tilted balance¹.
- 6.5 It is beyond doubt that the LPA is unable to demonstrate a five year housing land supply, but it may still be necessary to present evidence on this topic to establish the extent of the housing shortfall. The housing land supply in neighbouring authorities will also be a material consideration and attention will need to be given to the extent to which the Duty to Cooperate has had any meaningful effect in the region.
- 6.6 The LPA reasons for refusal include highway related objections which will require examination and presentation of detailed technical evidence along with consideration of the mitigation proposals.
- 6.7 The Landscape evidence will also need to address the potential impact of development on the setting of the National Park as well as the immediate surroundings of the site. Objections have also been raised with regards to the impact of development on designated heritage assets. It is important that the evidence is properly scrutinised as these are issues that could affect whether the tilted balance is dis-applied or not.
- 6.8 Furthermore, there are allegations of prematurity and conflict with the emerging Local Plan despite the fact that the plan has yet to reach an advanced stage in the

¹ NPPF paragraph 11(d)(i) and Footnote 7

plan making process. The planning policy evidence will need to consider the weight to be afforded to adopted and emerging Development Plan policies and the implications that the evidence has for the overall planning balance.

- 6.9 These issues all give rise to complex legal and planning policy considerations for the decision maker. The issues can only be properly tested through formal questioning of Expert Witnesses by an Advocate, which would not be permissible under the Informal Hearing procedure. It is also anticipated that there will be a need to make legal submissions which again are best dealt with through the Inquiry procedure.
- 6.10 The application has also generated considerable public interest² and this is a further reason for requesting a public inquiry.
- 6.11 This appeal will take more than 2 days to be heard (which exceeds normal practice for an informal Hearing). The Appellant considers that at least **8 days** would be required.

² 1,236 objections according to the Officer Report to Committee [p.65]

7. PROOFS OF EVIDENCE

7.1 On the basis that the Planning Inspectorate agrees to the appeal being dealt with through the Public Inquiry procedure, the Appellant will prepare written evidence in advance of the Inquiry to address the reasons for refusal. The evidence will also consider any other valid issues raised by Third Party objectors or Statutory Consultees.

7.2 At this stage it is anticipated that evidence will be presented as follows:-

Housing Land Supply and Need

- Neil Tiley

Affordable Housing Need

- TBC

Landscape and Visual Impact

- Clive Self

Heritage

- Gail Stoten

Traffic and Transportation

- Tony Wares

Planning

- David Hutchison

7.3 The Appellant reserves the right to introduce additional witnesses as necessary to address any other issues that may be raised by the LPA and/or any other Third Parties.

8. CASE FOR THE APPELLANT

8.1 A draft Statement of Common Ground (SoCG) has been submitted as part of the appeal to help narrow down the issues that are likely to remain in dispute.

8.2 It is anticipated that the final SoCG will record that the Appellant and the LPA are in agreement on various issues under the following headings:-

- Format of Planning Application and Supporting Material
- Environmental Impact Assessment
- Housing Need and Five Year Supply
- The Emerging Local Plan – Housing Provision
- Adopted Development Plan Designations
- Landscape and Visual Impact
- Access and Highways
- Master Planning
- Ecology
- Affordable Housing
- Public open space
- Public Rights of Way
- Trees and Hedgerows
- Agricultural Land Classification
- Noise and Air Quality
- Flood Risk and Drainage

- Public Benefits

The Main Issues

8.3 The Appellant sets out below the main issues that are expected to be in dispute at the Inquiry.

Issue 1 Housing Land Supply

Issue 2 The Principle of Development

Issue 3 The weight to be given to Emerging Development Plan Policies

Issue 4 Landscape and Visual Impact including the setting of the South Downs National Park

Issue 5 Impact on Heritage Assets

Issue 6 Access, Traffic and Transportation

The Overall Planning Balance

8.4 It is anticipated that reasons for refusal 5 and 6 can be addressed through planning obligations and the Appellant will continue to liaise with the relevant parties in this regard.

Issue 1 Housing Land Supply

8.5 The NPPF requires LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide for five years' worth of housing against their housing requirements, plus an additional buffer of 5%, 10% or 20% moved forward from later in the plan period. This is to ensure choice and competition in the market for land, to take account of market fluctuations, or where there has been significant under delivery of housing.

- 8.6 Where there is not a five year supply of deliverable housing sites, the most important policies for determining the application or appeal should not be considered up-to-date (NPPF paragraph 11 and footnote 8).
- 8.7 In this case the LPA accepts that it cannot demonstrate a five year housing land supply, and by a substantial margin. However, it is anticipated that there will continue to be dispute about the precise extent of the housing shortfall. This will have implications for the weight that should be given to adopted and emerging planning policies in the planning balance.
- 8.8 The Appellant will also draw attention to the fact the emerging Local Plan does not intend to meet the full housing needs of the area and that there will be a substantial unmet housing need over the next plan period which compounds the already desperate housing land supply position.
- 8.9 The Appellant will also demonstrate that the housing land supply problems transcend the administrative boundaries of Worthing and that there are alarming housing shortfalls across the region and little is being done to address this through the Duty to Cooperate or other means.
- 8.10 The housing need and supply position will set the context for this appeal. It will also have implications for how the appeal is determined because it would engage NPPF Footnote 8 which makes it clear that (for housing proposals, as in this case), the lack of a five year housing land supply renders the most important policies out of date and has the potential to engage the tilted balance set down by NPPF paragraph 11d(ii).
- 8.11 The Appellant will acknowledge that the tilted balance can be dis-applied if the proposals would conflict with one or more of the restrictive policies listed in NPPF footnote 7. However, the evidence will show that the appeal proposals do not conflict with any of those policies and that the tilted balance should be applied in the normal way.

Issue 2 The principle of development

- 8.12 It will be acknowledged that the site is not located within the built-up area and that it is not allocated for development of any kind. The proposals would not therefore accord with WCS Policy 13 which seeks to restrict development outside the built-up area.

- 8.13 However, it will be explained that the appeal site is in a highly sustainable and accessible location and it is well related to the existing pattern of built development in the area.
- 8.14 It is closely surrounded and enclosed by existing development on three sides. The Railway to the south, the Ferring Rife and the A259 Littlehampton to the north further reinforce the sense of containment. The pattern of built development in the area is such that the site would represent a logical rounding off for this part of the settlement. It is essentially a large infill site. It would not represent a new incursion into the open countryside and would not encroach any closer to the National Park than the existing pattern of development.
- 8.15 Moreover, the housing land supply position means that the most important policies are out of date including WCS Policy 13 and the strict application of this policy prevents the LPA from attempting to restore a 5YRHLS and contradicts the national policy imperative to significantly boost the supply of housing.
- 8.16 As such, it will be explained that only limited weight can be afforded to any conflict with Policy 13. The policy must give way to enable the LPA to improve the supply of housing in the area, given the absence of any other mechanism that can address this acute problem.
- 8.17 It will also be explained that the housing requirement within the WCS is also out of date because it is derived from the now revoked South East Plan. The housing requirement in the WCS is significantly less than that which is required under the up to date Standard Methodology. This means that the Built-Up Area Boundary which was defined to only accommodate the much lower housing requirement of the WCS will, through Policy 13, actively restrict any meaningful housing delivery over and above the adopted requirement. The defined boundary will therefore necessarily need to flex to accommodate the current local housing need.
- 8.18 It will be explained that there are no other policies that are directly applicable to this site. It is not within the National Park and there are no other landscape, ecology or heritage designations that directly relate to the site. The built parts of the development would avoid areas at risk of flooding. The site is not identified (and protected) as a strategic or local gap in the adopted Development Plan, nor is it designated as Local Green Space. The land is deliverable and capable of immediate implementation following the necessary approvals and can consequently make a swift contribution to addressing the acute housing deficit.

Issue 3 Prematurity and the weight to be given to Emerging Development Plan Policies

- 8.19 The first and second reasons for refusal make reference to policies and proposed designations within the Emerging Submission Draft Local Plan (eLP).
- 8.20 The eLP has now been submitted for Examination but at the time of writing the Examination has not yet started and there can be no certainty that the Inspector will find the plan sound.
- 8.21 Despite this, the Council considers that the Local Plan is 'sound' and that some weight can be given to the spatial strategy outlined in the plan and the related policies. The LPA also expect the plan to be adopted in early 2022.³
- 8.22 The Appellant will explain why the eLP is fundamentally flawed and that there is no realistic prospect that it would be adopted by early 2022.
- 8.23 It will be explained that the eLP does not propose to meet the local housing need figure in full and neither does it offer any solution for how the unmet needs will be met elsewhere. This is a major cause for concern. It also fails to plan for a minimum period of 15 years as required by the NPPF. These are fundamental shortcomings which need to be addressed for it to be found sound.
- 8.24 The Appellant will refer to national policy on matters relating to prematurity (NPPF paragraphs 48-50). It will be explained that when national policy is properly applied, there are no grounds for refusal on prematurity in this case.
- 8.25 It will be acknowledged that the appeal site does not form part of a draft allocation in the eLP but it will be explained that the Appellant has objected to the eLP and those objections remain unresolved. It is evident that the LPA needs to release significantly more land for housing to address its housing need. The fact that the site is not allocated in the eLP means very little, when viewed in this context.
- 8.26 It is also recognised that the Emerging Local Plan proposes to designate the application site as a Local Green Gap (Policy SS5) and Local Green Space (Policy SS6). The Appellant has strongly objected to the proposed designation of the site

³ Officer Report p.68-69

as Local Green Gap and Local Green Space on the basis that the site does not meet the relevant national policy tests for designation.

8.27 These objections will need to be tested and resolved through the plan making process. There can be no certainty at this stage that these designations will be confirmed, and they should therefore be treated with great caution particularly when they serve to add further constraints on the delivery of housing in the Borough.

8.28 It will be explained that these emerging policies should be afforded little to no weight in the determination of this appeal and that it was wholly inappropriate to refuse the application on the basis of conflict with the eLP for both procedural and evidential reasons.

Issue 4 Landscape and Visual Impact

8.29 The Appellant will present evidence on landscape and visual matters. This will explain that whilst the appeal site is currently undeveloped farmland it is closely associated with neighbouring urban development in Goring-by-Sea and Ferring, which borders it on three sides, and that the site has clearly defined and defensible boundaries.

8.30 The evidence will explain that the proposed development has been landscape led and includes significant areas of open space which address the frontage with the National Park and the surrounding built up area. Housing has been set back from Ferring Rife, which forms the northern boundary of the proposed development and generous areas of green space have been provided to augment the development. New landscaping within the open space alongside Ferring Rife will provide an appropriate setting for the new homes, particularly in views from the north, as well as providing wildlife benefits. The evidence will explain how the proposed layout represents an appropriate landscape and visual response to its location at the edge of the settlement and that the scale and density of development is compatible with that in the surrounding area. It will also explain how the proposals deliver environmental, recreational and ecological benefits.

8.31 The evidence will explain that whilst the appeal site falls within the setting of the South Downs National Park, it lies within the low lying coastal plain, an area which is characterised by significant urban development. The evidence will explain that the Site is visually distinct from the National Park and shares none of the landscape

characteristics associated with the rolling downland of the South Downs. It will explain that the appeal site's character is heavily influenced by its proximity to the surrounding urban area, and that the proposed development would be compatible with its surrounding land uses and would not materially detract from the character or setting of the National Park.

- 8.32 The evidence will explain that current views south from Highdown Hill and Highdown Conservation Area are of the densely settled coastal plain. It will demonstrate that whilst development at the appeal site will be visible in some of these views, it will not be intrusive and will form a well-considered extension to the existing urban area. It will explain that the proposals will not materially impact on the special qualities identified in the South Downs National Park: View Characterisation and Analysis Study.
- 8.33 The evidence will demonstrate that while the appeal site is likely to be valued by local residents as a tract of undeveloped farmland it displays no characteristics which are demonstrably special and does not represent a "valued landscape" within the meaning of the NPPF, paragraph 174(a).
- 8.34 The evidence will explain that the Site is not covered by any designations for landscape, heritage or ecological value, is not intrinsically attractive, has limited public access, and has little wildlife interest. It also has a number of detracting features, such as the overhead powerlines and the design contexts of neighbouring development. On any reasonable basis it does not therefore constitute an important green space.
- 8.35 The landscape evidence will explain how coalescence has already occurred between the settlements of Goring-by-Sea and Ferring and that, as such, the site does not provide a gap or a break between the two settlements. However, the evidence will acknowledge that the appeal site and land to the north of Ferring Rife forms an indentation in the coalesced settlements although it will be demonstrated that by keeping the land to the north of Ferring Rife free of development an indentation will still be retained, albeit reduced in scale.
- 8.36 Overall, the landscape evidence will conclude that the site does not demonstrate qualities which would make it an important green space. In addition, through the sensitive design and layout of the proposed development and new landscaping, the proposals will relate well to existing development; can maintain a spatial

indentation between Goring-by-Sea and Ferring; and will respect the setting and views from the South Downs National Park.

Issue 5 Impact on Heritage Assets

8.37 It will be explained that there are no designated heritage assets within the appeal site itself.

8.38 With regards to the settings of nearby heritage assets, the Appellant's evidence will explain that the proposed development will result in a negligible level of harm at the very lowermost end of the less than substantial harm spectrum, to the heritage significance of:-

- a. the Grade II Listed Building of Jasmine and Clematis Cottages,
- b. the Grade II Listed Buildings of North Barn, and
- c. the Grade II* Registered Park and Garden and Conservation Area of Highdown Garden.

8.39 There would be no harm to the significance of any other assets through changes to setting, including the Scheduled Highdown Hill Camp.

8.40 The Appellant will demonstrate that the public benefits would outweigh any identified harm in the context of NPPF paragraph 202. In turn it will be explained that the tilted balance would not be dis-applied for heritage related reasons.

Issue 6 Access, Traffic and Transportation

8.41 The Appellant acknowledges that the development proposals will give rise to an increase in travel demand by all main modes of travel, however, it will be explained that suitable infrastructure provision can be delivered, which will suitably mitigate the impact of the additional demand on the surrounding transport and highway networks.

8.42 The Appellant will explain that pre-application consultation was undertaken with the Local Highway Authority (LHA), West Sussex County Council (WSCC) to seek agreement on the scope of the Transport Assessment (TA) and Residential Travel Plan (RTP). Most notably this was with regards to assessing the implications of the development proposals, in accordance with the requirements of the Ministry of

Housing, Communities and Local Government's (MHCLG's) National Planning Policy Framework (NPPF).

- 8.43 The Appellant will demonstrate that the application site benefits from being well-located relative to public transport infrastructure / services available at Goring-by-Sea rail station and bus stops along The Strand, A259 Littlehampton Road, Langbury Lane – all of which provide a good level of connectivity to a host of local and regional destinations.
- 8.44 It will also be demonstrated that the application site is accessible on-foot and by bicycle to a wide range of amenities, which are likely to cater for the day-to-day needs of future households and other end-users within the maximum recommended distances, as prescribed by the Chartered Institute of Highways & Transportation (CIHT).
- 8.45 When this is considered in conjunction with the proposed enhancements to public transport, pedestrian, cycling, and Public Right of Way (PRoW) infrastructure, future households, end-users and the wider community would be afforded numerous opportunities to adopt long-term sustainable travel patterns and behaviour for a variety of journey purposes, in accordance with paragraph 110(a) of the NPPF (July 2021).
- 8.46 The site's proposed masterplan, access strategy (Drawing No. 18122/001 Rev C), and pedestrian / cycle enhancements plan (Drawing No.'s 18122/006 and 18122/SK01) demonstrate how the residential-led mixed-use development will be integrated with the surrounding local public transport, foot / cycleway, and PRoW network. The site's proposed access and the adjoining section of the A259 Goring Street and A2032 Littlehampton Road would incorporate both shared and fully segregated foot / cycleways (two-way). A new Toucan crossing facility would be provided along the A259 Goring Street and A2032 Littlehampton Road, reflecting the key north to south desire lines for future households, end-users, and members of the wider community accessing local amenities in Goring. In addition, a new pedestrian / cycle link would be provided in the site's north-western corner to provide a safe and direct walking route for future households and end-users accessing the PRoW network (i.e. Bridleway 2135 and Footpath 2139) located off the northern side of the A259 Littlehampton Road.
- 8.47 The Transport Assessment included traffic modelling of key junctions on the surrounding local highway network for the future forecast years of 2024 (5-years

post application) and 2033 (end of emerging Worthing Local Plan), both with and without the development proposals and mitigation for the 'Goring Crossroads' and 'Goring Way' roundabout junctions, in accordance with the MHCLG's Planning Practice Guidance and agreed scope of the Transport Assessment.

- 8.48 The appellant will demonstrate that that the site's proposed access would be acceptable and therefore not give rise to increased hazards to highways users including the local and Strategic Road Network (SRN).
- 8.49 In the context of paragraph 111 NPPF (July 2021) it will be demonstrated that the development proposals will not give rise to an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be 'severe'.
- 8.50 The Appellant is currently engaged with the LHA, WSCC and Highways England (HE) to overcome the LPA's Reasons for Refusal 3 and 4. The Appellant has engaged a sub-consultant to prepare a micro-simulation model using VISSIM software, the results of which have been issued to the LHA's consultants (WSP) for review and comment. A comprehensive package of pedestrian and cycle enhancements has also been prepared and issued to the LHA. Consequently, the Appellant is hopeful that any differences of opinion can be resolved prior to the opening of the Public Inquiry and that a package of mitigation measures, which can adequately accommodate the additional travel demand of the development proposals can be agreed.

The Overall Planning Balance

- 8.51 The Appellant will acknowledge and accept that planning law and guidance requires that planning applications and appeals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.52 It is accepted that the site is outside the built-up area and is not allocated for housing (and would therefore conflict with WCS Policy 13). However, the LPA cannot demonstrate a 5YRHLS and the most important policies (including Policy 13) are out of date for the purposes of NPPF paragraph 11 and ought to be afforded reduced weight to avoid frustrating the national policy imperative to significantly boost the supply of housing. The appeal should therefore be determined in the context of the "tilted balance" set out in paragraph 11(d) of the NPPF.

- 8.53 The Appellant accepts that there are restrictive policies that need to be taken into account in this case, for the purposes of Footnote 7 of the NPPF. These relate to designated heritage assets and the nearby National Park. However, the evidence will show that these policies do not give a clear reason for refusal in this case and so the tilted balance is not dis-applied.
- 8.54 The Appellants will identify the benefits of the proposed development and will attribute weight to each of these for the purposes of the overall planning balance. The Appellants will show that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh those benefits and that overall, the planning balance rests firmly in the favour of the appeal being allowed.
- 8.55 Having considered each of the main issues in turn, the Appellant will demonstrate that the proposals represent sustainable development and that outline planning permission should be granted subject to the imposition of any necessary conditions and planning obligations.

9. DOCUMENTATION

9.1 A set of Core Documents will be agreed with the LPA in advance of the Public Inquiry.

9.2 In addition to the application documents, planning history and consultation responses, it is anticipated that the following will be referred to:

National Documents

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

Local Documents

- The Worthing Core Strategy (2011)
- The Emerging Worthing Local Plan
- Emerging Worthing Local Plan evidence base

Relevant Appeal Decisions and Legal Cases

- Various appeal decisions
- Various legal judgements

9.3 The Appellant reserves the right to refer to additional documents to those outlined above in preparation of its case and in support of the proposals.

10. PLANNING CONDITIONS AND OBLIGATIONS

Planning Conditions

- 10.1 An agreed set of Conditions will be provided to the Inspector before the start of the Public Inquiry.

Planning Obligations

- 10.2 The Appellant will also present deeds pursuant to Section 106 of the Town and Country Planning Act which will secure any planning obligations that are deemed necessary to make the development proposals acceptable.